

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH PARNELL	:	CIVIL ACTION
	:	
v.	:	
	:	
MARIROSA LAMAS, et al.	:	NO. 13-3276

ORDER

AND NOW, this 30th day of September, 2013, upon careful and independent consideration of petitioner Kenneth Parnell's pro se motion for habeas corpus relief pursuant to 28 U.S.C. § 2254 (docket entry # 1), the Commonwealth's response thereto (docket entry # 9), and the Honorable Jacob P. Hart's report and recommendation (docket entry # 04), to which neither party has filed an objection within the period specified by Loc. R. Civ. P. 72.1 IV (b), and the Court agreeing with Judge Hart that the matter should be stayed pending a resolution of Parnell's PCRA claim, because there is good cause for Parnell's failure to exhaust this claim -- which he brings pursuant to Miller v. Alabama, 132 S. Ct. 2455 (2012) -- earlier, the claim is not "plainly meritless", and there is no indication that Parnell has engaged in any dilatory tactics, see Rhines v. Weber, 544 U.S. 269 (2005), it is hereby ORDERED that:

1. Judge Hart's report and recommendation (docket entry # 10) is APPROVED and ADOPTED;

2. Parnell's petition is STAYED; and

3. The Clerk of Court shall TRANSFER this case from the Court's Active docket to our Civil Suspense docket pending the outcome of Parnell's PCRA proceedings.

BY THE COURT:

/s/ Stewart Dalzell, J.